

PROGRESS REPORT NO. 1

MICHIGAN COURT OF APPEALS DELAY REDUCTION PLAN

August 15, 2002

Work Group Members:

Judge Hilda R. Gage
Ex Officio: Judge Harold Hood
Judge Michael R. Smolenski
Chief Judge William C. Whitbeck
Judge Brian K. Zahra
Mary Lu Hickner
Sandra Mengel
Larry Royster

Contributing Judges:

Judge Richard A. Bandstra
Judge Jessica R. Cooper
Judge Richard A. Griffin
Judge Kirsten Frank Kelly
Judge Patrick M. Meter
Judge Michael J. Talbot
Judge Helene N. White

I. OVERVIEW

A. Statement of the Problem

On March 8, 2002, the Judges of the Court of Appeals unanimously adopted an ambitious delay reduction program. The problem, as the Court saw it based upon an analysis by a special delay reduction work group of the Court's calendar 2001 statistics, related to cases that the Court decides by *opinion* rather than by *order*. In 2001, the Court disposed of approximately 7,600 cases. Of these, the Court disposed of 3,100 by opinion. On average, the Court disposed of these opinion cases within 654 days from the date of filing. Further, the Court disposed of only 14.5% of its opinion cases within 12 months of filing and 24.8% of its opinion cases within 18 months of filing. On March 8, the Judges of the Court unanimously determined that these figures were not within acceptable limits. This progress report sets out the results of the Court's efforts during the first six months of 2002 to deal with this problem.

B. Goals and Objectives

On March 8, the Judges of the Court adopted an overall long-range goal and a number of shorter-term objectives designed to meet that goal. The long-range goal was to dispose of 95% of all the Court's cases within 18 months of filing, commencing October 1, 2003. To achieve this goal, the Court determined that it would first need to reduce the average time it takes to process an opinion case through the Court from 654 days to approximately 498 days. The Court then determined that:

- It would need to reduce the average wait in the Judicial Chambers from its 2001 level of 64 days to 49 days, a reduction of approximately 23%;
- It would need to reduce the average wait in the "Warehouse" from its 2001 level of 266 days to 212 days, a reduction of approximately 20%;
- And it would need to reduce the average wait at Intake from its 2001 level of 263 days to 176 days, a reduction of approximately 33%.

Overall, these actions would, if successful, reduce the average time it takes to process an opinion case through the Court by approximately 23%. To achieve this overall reduction, the Court determined to take a number of individual actions designed to reduce delay

- In Judicial Chambers by setting targets for the disposition of specific types of cases;
- In the Warehouse by more quickly moving certain types of cases to the Judicial Chambers through the coupling of summary panels with complex case call panels, the use of volunteer summary panels, and the assignment of certain summary disposition appeals and criminal appeals without research reports;
- And at Intake by shortening of the time limits in certain of the court rules.

The Court designed these actions to take effect, generally, over the summer and fall of this year through the fall of 2003. The Court now has statistics for the first six months of 2002, *prior to the implementation of the significant majority of the specific delay reduction measures*, and these preliminary results are very positive.

II. RESULTS FROM JANUARY 2002 THROUGH JUNE 2002

A. Filings And Dispositions

One statistic that the Court has tracked over the years has been the number of filings and the number of dispositions. Generally, both filings and dispositions increased through 1992, when there were 13,352 filings and 11,662 dispositions, and 1993, when there were 12,494 filings and 13,037 dispositions. Following these years, however, filings and dispositions began to decline and in 2001 there were 7,102 filings and 7,606 dispositions.

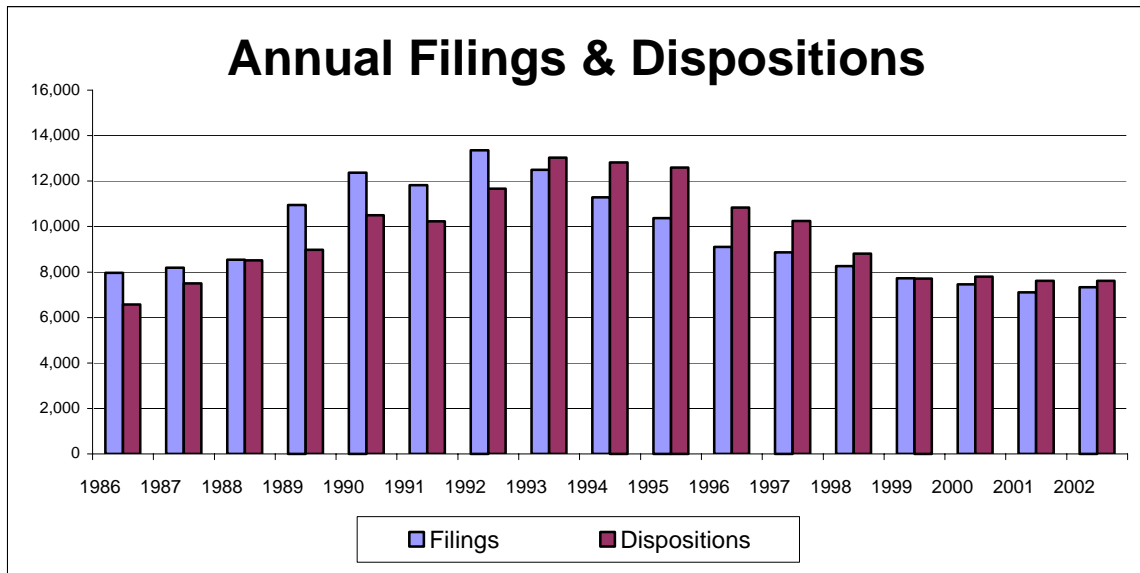
However, as Chart 1 and Graph 1 below illustrate, in the first six months of 2002 there was a slight reversal of this trend. If filings and dispositions continue as they did through the first six months, the Court can expect 7,326 filings and 7,620 dispositions in 2002. The types of cases (i.e., termination of parental rights, guilty plea appeals, other criminal appeals, and other civil appeals) that the Court disposed of in the first six months of 2002 did not vary materially from the types of cases disposed of in 2001.

Chart 1

	Filings	Dispositions
1986	7,966	6,573
1987	8,186	7,502
1988	8,546	8,508
1989	10,951	8,983
1990	12,369	10,504
1991	11,825	10,237
1992	13,352	11,662
1993	12,494	13,037
1994	11,287	12,824
1995	10,370	12,596
1996	9,108	10,842
1997	8,866	10,242
1998	8,264	8,806
1999	7,731	7,715
2000	7,460	7,799
2001	7,102	7,606
2002	7,326	7,620

*2002 is projected from Jan-Jun statistics.

Graph 1



B. Processing Times

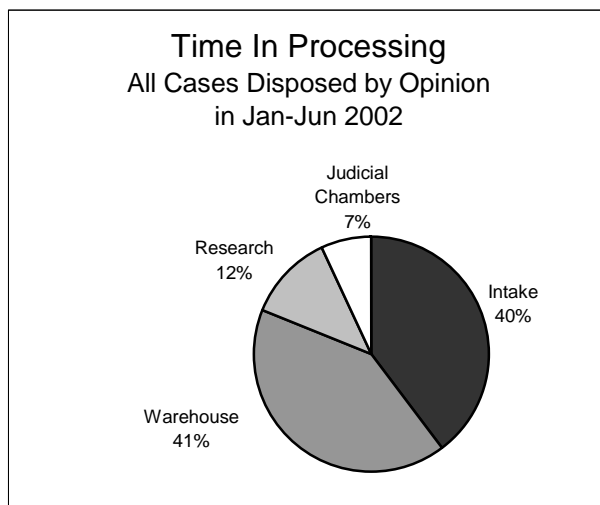
1. *Judicial Chambers*

The key to reducing the overall days in the processing of opinion cases at the Court is to break down the process into discrete steps. For a variety of reasons, the Judges at the Court determined to begin with the Judicial Chambers. As Chart 2 and Graphs 2 and 3 show, even before the full implementation of the delay reduction plan, the Judges of the Court have reduced the wait in the Judicial Chambers from an average of 64 days in 2001 to an average of 44 days for the first six months of 2002. *This is a 31.25% reduction and actually exceeds the Court's target of 49 days.* (The Court will not know whether this level can be sustained in the second half of 2002 until it receives the July-December statistics, given that fewer cases are heard in July and August than in other months and that the Judges have accepted more case assignments without reports prepared by the Research Division.)

Chart 2

Major Stages in Case Processing All Cases Disposed by Opinion in Jan-Jun 2002	2002 Average Days Within Each Stage	2002 Average Days From Filing of Case	2001 Average Days Within Each stage	2001 Average Days From Filing of Case
Intake	250	250	263	263
Warehouse	259	509	266	529
Research	73	583	61	590
Judicial Chambers	44	627	64	654

Graph 2



Graph 3

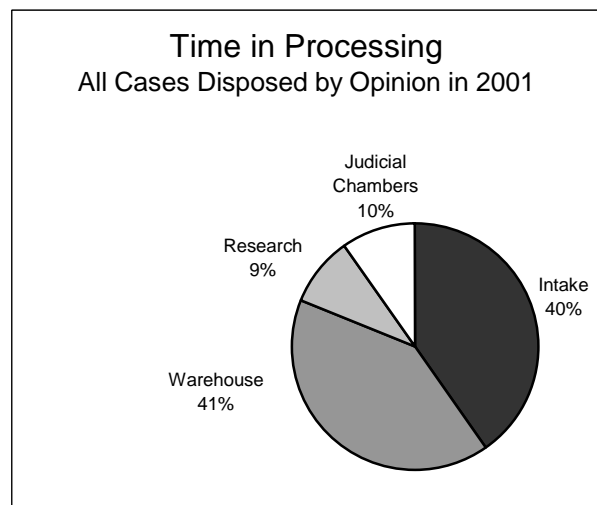
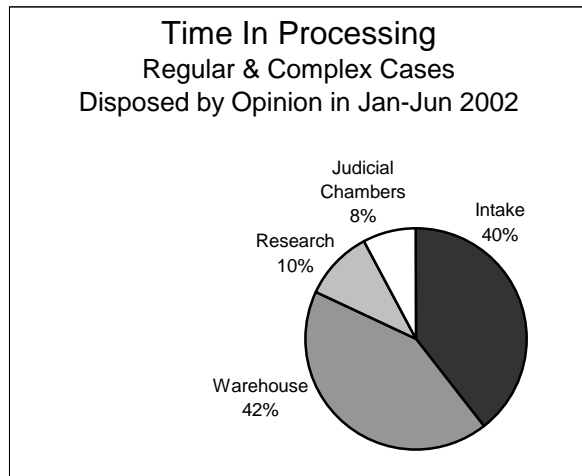


Chart 3 and Graphs 4 and 5 show the results for regular and complex cases disposed of by opinion in January-June, 2002, as compared to 2001. The Judges of the Court have reduced the wait in the Judicial Chambers from an average of 73 days in 2001 to an average of 51 days in the first six months of 2002. *This is a 30.14% reduction.*

Chart 3

Major Stages in Case Processing Regular & Complex Cases Disposed by Opinion in Jan-Jun 2002	2002 Average Days Within Each Stage	2002 Average Days From Filing of Case	2001 Average Days Within Each stage	2001 Average Days From Filing of Case
Intake	259	259	274	274
Warehouse	278	536	288	562
Research	67	603	60	622
Judicial Chambers	51	654	73	695

Graph 4



Graph 5

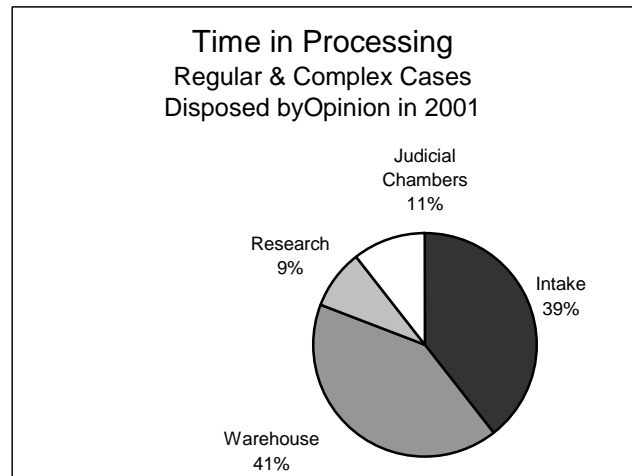
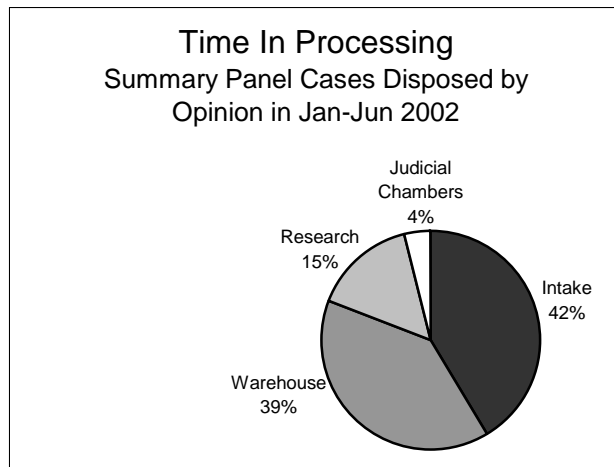


Chart 4 and Graphs 6 and 7 show the results for summary panel cases disposed of by opinion in January-June, 2002, as compared to 2001. The Judges of the Court have reduced the wait in the Judicial Chambers from an average of 28 days in 2001 to an average of 20 days in the first six months of 2002. *This is a 28.57% reduction.*

Chart 4

Major Stages in Case Processing Summary Panel Cases Disposed by Opinion in Jan-Jun 2002	2002 Average Days Within Each Stage	2002 Average Days From Filing of Case	2001 Average Days Within Each stage	2001 Average Days From Filing of Case
Intake	213	213	232	232
Warehouse	204	417	190	422
Research	80	497	84	506
Judicial Chambers	20	516	28	534

Graph 6



Graph 7

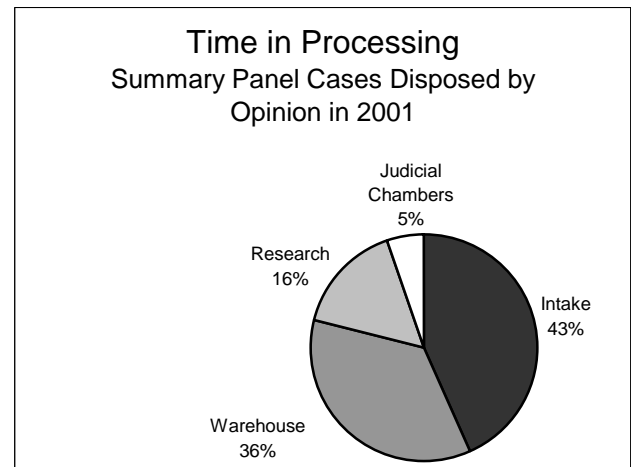
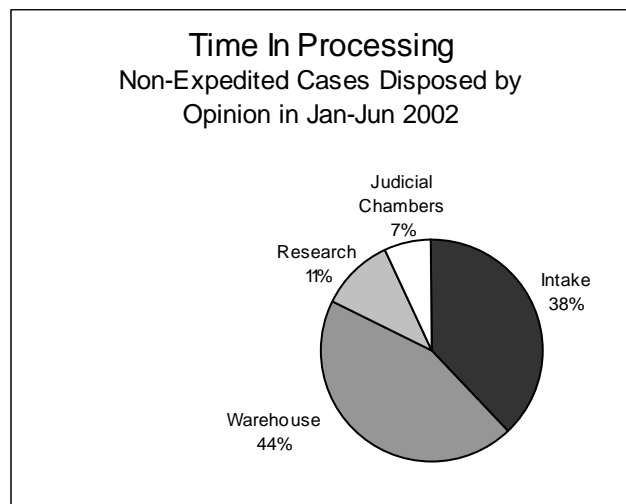


Chart 5 and Graphs 8 and 9 show the results for non-expedited cases disposed of by opinion in January-June, 2002, as compared to 2001. The Judges of the Court have reduced the wait in the Judicial Chambers from an average of 68 days in 2001 to an average of 48 days in the first six months of 2002. ***This is a 29.41% reduction.***

Chart 5

Major Stages in Case Processing Non-Expedited Cases Disposed by Opinion in Jan-Jun 2002	2002 Average Days Within Each Stage	2002 Average Days From Filing of Case	2001 Average Days Within Each stage	2001 Average Days From Filing of Case
Intake	261	261	281	281
Warehouse	308	569	330	611
Research	76	645	65	676
Judicial Chambers	48	693	68	744

Graph 8



Graph 9

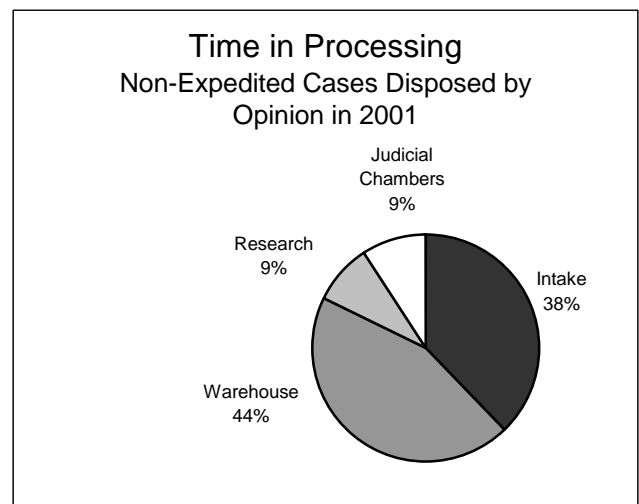
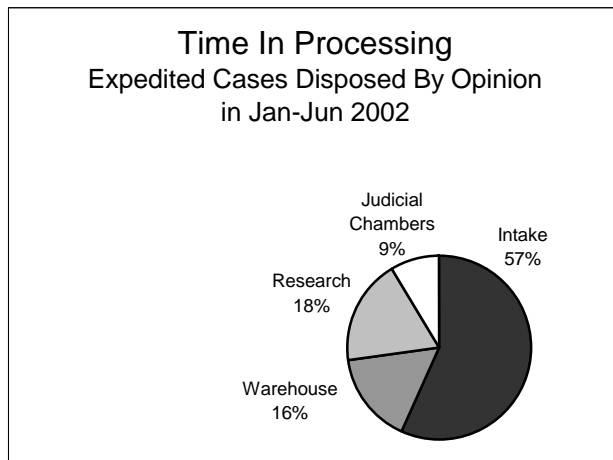


Chart 6 and Graphs 10 and 11 show the results for expedited cases disposed of by opinion in January-June, 2002, as compared to 2001. The Judges of the Court have reduced the wait in the Judicial Chambers from an average of 43 days in 2001 to an average of 30 days in the first six months of 2002. *This is a 30.23% reduction.*

Chart 6

Major Stages in Case Processing Expedited Cases Disposed by Opinion in Jan-Jun 2002	2002 Average Days Within Each Stage	2002 Average Days From Filing of Case	2001 Average Days Within Each stage	2001 Average Days From Filing of Case
Intake	192	192	197	197
Warehouse	56	248	49	246
Research	63	310	62	308
Judicial Chambers	30	340	43	351

Graph 10



Graph 11

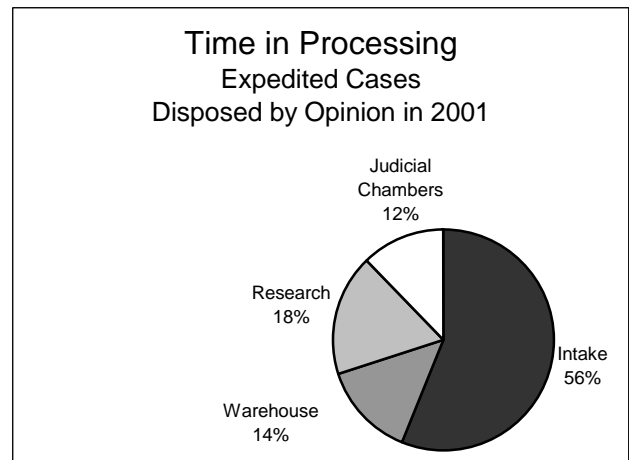
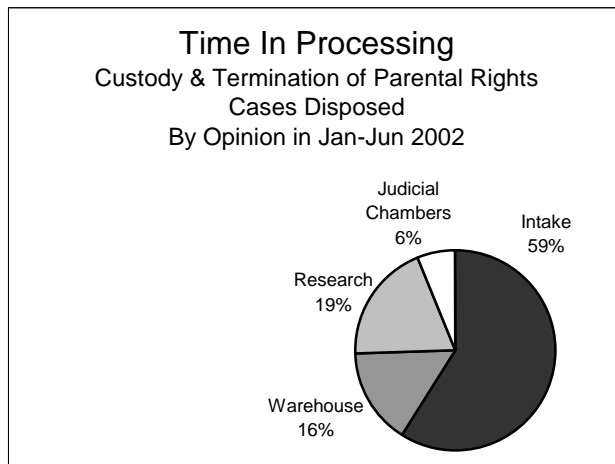


Chart 7 and Graphs 12 and 13 show the results for custody and termination of parental rights cases disposed of by opinion in January-June, 2002, as compared to 2001. The Judges of the Court have reduced the wait in the Judicial Chambers from an average of 29 days in 2001 to an average of 20 days in the first six months of 2002. *This is a 31.03% reduction.*

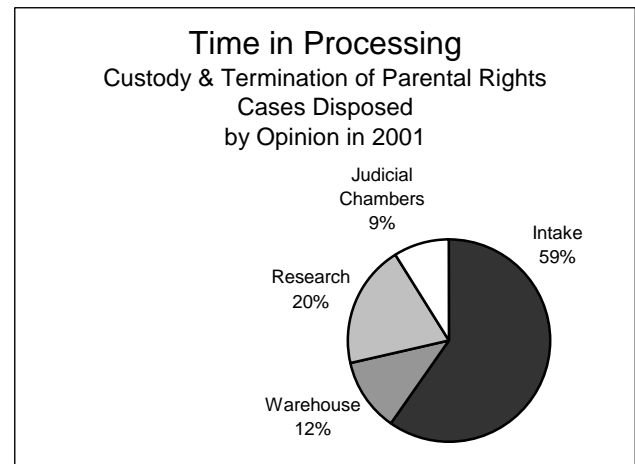
Chart 7

Major Stages in Case Processing Custody & Termination of Parental Rights Cases Disposed by Opinion in Jan-Jun 2002	2002 Average Days Within Each Stage	2002 Average Days From Filing of Case	2001 Average Days Within Each stage	2001 Average Days From Filing of Case
Intake	194	194	194	194
Warehouse	51	245	38	232
Research	64	309	64	296
Judicial Chambers	20	329	29	325

Graph 12



Graph 13



Charts 8 and 9 show the overall situation for cases disposed of by opinion in January-June 2002, as compared to 2001. *Again, the Judges of the Court have reduced the wait in the Judicial Chambers from an average of 64 days in 2001 to an average of 44 days for the first six months of 2002, a 31.25% reduction.*

**Chart 8
2002**

Jan-Jun 2002	Overall Average	Regular/ Complex	Summary	Non- Expedited	Expedited	Custody/ TPR
Intake	250	259	213	261	192	194
Warehouse	259	278	204	308	56	51
Research	73	67	80	76	63	64
Judicial Chambers	44	51	20	48	30	20
Total	627	654	516	693	340	329

**Chart 9
2001**

	Overall Average	Regular/ Complex	Summary	Non- Expedited	Expedited	Custody/ TPR
Intake	263	274	232	281	197	194
Warehouse	266	288	190	330	49	38
Research	61	60	84	65	62	64
Judicial Chambers	64	73	28	68	43	29
Total	654	695	534	744	351	325

2. Warehouse

The Court's second area of concentration was the Warehouse and, although again the Court had not in the first six months of 2002 fully implemented its delay reduction plan, as the preceding charts and graphs show, the Court has reduced the wait in the Warehouse from an average of 266 days in 2001 to an average of 259 days for the first six months of 2002. *This is a 2.63% reduction before implementation.* Interestingly, the time in Research has increased slightly while the time in Intake has declined slightly in the first six months of 2002.

III. CONCLUSION

Delay reduction is a complicated undertaking and the delay reduction plan of the Court of Appeals has a number of moving parts. Further, on an overall basis it requires a cooperative, sustained effort by every Judge and every employee of the Court. On the basis of the statistics for the first six months of 2002, it is fair to conclude that the Court is off to a very good start. During these six months, the Court has reduced the overall time it takes to process an opinion case through the Court from 654 days to 627 days. *This is a reduction of 4.13% before the full implementation of the Court's delay reduction plan.* Simply put, the Court has established a solid base upon which it can build over the next year so that it will be in a position to achieve its long-range goal. The litigants whose cases come before the Court, the lawyers who argue those cases, the Judges and staff of the Court, and the public at large will all benefit from this accomplishment.